



Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044
Minutes of December 30, 2008
Approved January 27, 2009

Members present: Chairman Doug Andrew, Members Jack Baker, John (Jack) Downing and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew called the meeting to order at 7:30 p.m. then called the roll.

Mr. Andrew appointed Mrs. Bolduc as an alternate to the Board, taking the place of absent Member Scott Boisvert.

MINUTES

Mr. Downing made the motion to accept the minutes of the November 25, 2008 meeting as written. Motion seconded by Mr. Baker with unanimous favorable vote.

Case # 08-006
Janzegers, Remi & Katherine
MAP 2 LOT 126

Present: Owners Remi and Katherine Janzegers

Mr. Andrew opened this Public Hearing at 7:35 p.m. and read the Public Notice of the Hearing as follows:

In accordance with NH RSA 675:7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:30 pm on December 30, 2008 at the Fremont Town Hall for Remi & Katherine Janzegers for 932 Main Street, Map 2 Lot 126, Fremont, NH.

The applicants are seeking an Area Variance from Article IX Section E-1 of the Fremont Zoning Ordinance to allow a second dwelling unit on their property in the form of a living unit in the space above an attached garage without the proper acreage as set forth in the Ordinance.

You are invited to appear in person or by counsel and state reasons why the appeal should or should not be granted. Written comments will be accepted up until the date of the hearing.

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Mrs. Bolduc stated that there was a typo in the notice and it should have said Article is XI. The agenda and comment sheets had the correct article number.

Mr. Andrew stated that there is not a full five Member Board present and related to the applicants that they have the option of waiting for the presence of a full Board for any decisions. Mr. & Mrs. Janzegers opted to move forward with the four members present.

Mr. Andrew explained the purpose of the Board and the procedure for a Variance including the five conditions which must be met in order for a Variance to be granted. He then read Article XI Section E-1 of the Fremont Zoning Regulations.

Mr. Andrew noted that this hearing was noticed on December 3, 2008 at the Fremont Post Office and Fremont Town Hall and in the December 5, 2008 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on December 5, 2008 and all returns have been received. The application package included 6 copies of the drawn plan, letter of intent, a current list of abutters, a December 1, 2008 Code Enforcement letter of denial and the proper check amount. Also submitted with the application were pictures of the property.
(see file)

Copies of the drawn plan were distributed to the Members present. Mrs. Bolduc noted that Map 2 Lot 126 contains 2.5436 acres and is in the Aquifer Protection District so the minimum lot size required for a second residential unit is 3.83 acres (3 acres plus 18,000 sf per unit). Mr. Janzegers stated that he wishes to create a second living unit above the existing residential garage and that there would be no addition to the footprint of the building. He said that they are asking to be allowed to put in a kitchen and added that the property is mixed use business and residential. Mrs. Janzegers read their cover letter aloud to clarify the request to be allowed to change the existing single family home into a two-unit home citing; 1) there would be a total of two bedrooms for the entire property (one in the existing unit and one in the new unit) which would limit the number of people able to occupy the house and impact on the property itself and; 2) the property contains 2.54 acres - the area requirement prior to 2005 was 2.55 acres for a two-dwelling unit and their original construction began in 2004. The Aquifer Protection District was expanded in 2005.

The Board reviewed the drawn plan submitted which showed the entire 2.536 acre parcel with the locations of all abutting properties. The plan showed the locations the well, septic, existing buildings including two small storage sheds, the 3,250 sf auto body & repair shop (Action Auto), 1,280 sf mobile home, the 16' x 34' single story addition to the east side of the mobile home and a 32'x 40' two story addition to the north side of the mobile home which is a garage with a 2-story 16' x 28' sunroom/deck addition to this portion of the building. The Board looked at the picture of the buildings that was submitted with the application.

Mrs. Bolduc said that according to the Building Official's December 1, 2008 correspondence a

building permit was issued for the renovation of existing rooms above a residential garage and another was issued for the addition of a 16' x 28' sunroom with a 10' x 20' deck. He closed both permits because the construction activity included a kitchen and bathroom constituting a second dwelling unit, which was beyond that authorized by the permits and is in conflict with the Zoning Ordinance. Mr. Janzegers said that he only wanted to put in a kitchen and he stopped construction when he realized this was outside of the permit issued.

Comment sheets were received from the following, with comments in italics:

Building Inspector/Code Enforcement Officer: in part- *Fremont Zoning Ordinance Articles IV and XI define the current minimum lot size requirements and require that the minimum lot size for two dwelling units is to be 3.83 acres. Your property file indicates that your property contains 2.54 acres. The minimum lot size requirements are not met and you would need to seek relief from the Zoning Board of Adjustment by seeking a Variance.*

Conservation Commission: *The Conservation Commission would like to bring to the attention of the Zoning Board of Adjustment that lot 2-126 is within the Aquifer Protection District and if they grant this Variance they will be granting a Variance that exceeds the Aquifer Protection requirement by over 33%.*

Health Officer: *No Problem*

Mr. Andrew noted that there were no abutters present for comments.

A site visit was discussed. At 8:00 pm Mr. Downing made the motion to continue this Public Hearing to 10:00 (a.m.) on Saturday January 24, 2009 at 932 Main Street for the purpose of a site visit, and to the Fremont Town Hall at 7:30 p.m. on January 27, 2009.

Motion seconded by Mr. Baker with unanimous favorable vote.

VARIANCES

Mrs. Bolduc distributed a reference sheet relative to the 5 conditions of a variance she had drawn using the LGC Zoning Board of Adjustment Handbook. There was a general conversation relative to variances and the 5 conditions.

CORRESPONDENCE

There was no incoming correspondence.

Next meeting: scheduled for January 27, 2009.

At 8:40 pm Mr. Downing made the motion to adjourn.

Motion seconded by Mr. Baker with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, recording secretary
